

Family Law Rules

By Judge Mark W. Armstrong¹

Two and a half years ago, the Supreme Court created a committee² to draft this State's first ever set of statewide, uniform and comprehensive rules for family law cases, which include divorce, legal separation, paternity, child custody, child support and protective orders. The rules have been drafted and were formally approved by the Supreme Court on October 19, 2005, with an effective date of January 1, 2006. For many reasons, this was a momentous occasion in Arizona's judicial history.

The rules, however, are neither perfect nor are they a panacea for all the ills of our family law courts. But I believe they will result in substantial improvement in the way our courts handle family law cases. They are the result of two and a half years of work by 16 committee members from around the state, and many more workgroup members who participated in the process. The committee has done substantial outreach to seek input and improve the rules. And, necessarily, in a project of this scope, the result derived from cooperation, collaboration, conflict, compromise, and usually consensus.

The Supreme Court has provided by separate administrative order that the rules will be formally reviewed in two years. So, while it may be too late for public comment on the current rules, all comments or suggestions are welcome and will be considered in the two-year review. The Court will be undertaking this review because of the sheer scope of this project. The Court appreciates that some mistakes may have been made and wants to have a formal mechanism in place to address them within a reasonable period of time.

Some of the more significant changes to be brought about by the new rules include:

¹ Judge Armstrong is Chair of The Committee on Rules of Procedure in Domestic Relations Cases, and served two separate terms as Presiding Judge of the Family Court in Maricopa County.

² The Committee on Rules of Procedure in Domestic Relations Cases was established in July 2003, by Supreme Court Administrative Order 2003-63.

- Comprehensive new rules that strongly encourage problem-solving approaches to resolve family law cases, including the use of mediators, family law masters and parenting coordinators;
- New rules of procedure for temporary orders and post-divorce proceedings, which have never before existed on a statewide level;
- New requirements for the timely disposition of temporary orders at a time when families often are in crisis;
- New requirements to ensure the timely disposition of all family law matters;
- A new rule providing for representation of children whose voices are often unheard in family law cases;
- A new rule providing for “limited scope representation” that allows an attorney to represent a client for a limited purpose or time period. This rule should greatly enhance access to legal representation in family law cases, particularly for persons of limited means;
- New rules for disclosure and discovery that are tailored to family law and should be easier to understand;
- Relaxation of the formal rules of evidence to enhance both truth-seeking and efficiency;
- Provisions for protecting addresses and other safety measures in cases of domestic violence;
- Provision for service of process by certified mail and other delivery methods that are less expensive than personal service by a certified process server;
- Provision for a “consent decree” that allows agreeing parties to resolve their family law case without a hearing; and
- Provision for required and commonly used forms that will also be available in fillable form on the Supreme Court’s website.

Please look for a comprehensive review of the new rules, including historical background, in the February 2006 edition of the *Arizona Attorney*. The new rules may be found on the committee's website at <http://www.supreme.state.az.us/drrc>. Any questions or comments regarding the *ARFLP* may be forwarded to Administrative Office of the Courts (AOC) Court Specialist Konnie Young Neal, who staffed the Committee, at kneal@supreme.sp.state.az.us.